

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID RAMSEY,

Plaintiff,

vs.

Case No: 10-13963

Hon. Robert H. Cleland

Magistrate Judge Virginia M. Morgan

CITY OF LINCOLN PARK, a municipal
corporation, and Lincoln Park Police Officers
OFFICER STEVEN LYLES #2413,
OFFICER VERONICA MALKOWSKI #2424.
OFFICER BRIAN HANCOCK #2215,
OFFICER S. KERR, OFFICER S. NOE,
SERGEANT JOSEPH JELSOMENO #2245,
DETECTIVE SERGEANT STEWART HOWELL #2413
and other UNKNOWN OFFICERS, Individually, and
in their official capacities, Jointly and Severally,

Defendants.

Marcel S. Benavides (P69562)
W. Otis Culpepper (P23520)
THE MARCEL S. BENAVIDES LAW OFFICE
Attorneys for Plaintiff
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Attorney for Defendants
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PROTECTIVE ORDER

At a session of said Court held in
the Theodore Levin U.S. Courthouse, City of Detroit,
County of Wayne, State of Michigan,

on: 1/10/2011

PRESENT: HONORABLE ROBERT H. CLELAND
DISTRICT COURT JUDGE

IT IS HEREBY ORDERED that the Production of any documents concerning the
internal policies, procedures and/or general operations of the City of Lincoln Park Police
Department, and/or documents concerning internal investigations, citizen complaints,

internal memoranda, and/or documents contained in the Personnel and/or Disciplinary files of the individual defendants, which may or may not be produced voluntarily or pursuant to court order, will be subject to the following protective conditions:

1. The documents involved may contain, in part, confidential and/or privileged information regarding the individual defendants and/or policies, procedures, or internal investigations of the City of Lincoln Park, and that the dissemination of said materials may hinder law enforcement and/or interdepartmental investigations, policies and/or procedures, and/or endanger the safety of the individual defendants and their respective families.

2. The information derived from these documents shall be used solely and exclusively for purposes of this lawsuit. Such information shall not be used in or for other cases, proceedings or disputes, or for any commercial, business, competitive or any other purpose whatsoever.

3. The aforementioned materials may not be disclosed to any person other than parties, counsel of record for the respective parties to this litigation, the paralegal and clerical staff of same, expert witnesses or consultants engaged by counsel, and the court and court personnel, under such safeguards as the court may direct so as to preserve and to protect the confidentiality of information made reference to herein. Should the materials be quoted/paraphrased in any pleading, brief, or other legal document that will become a part of the court file in this case, said pleading, brief or other legal document shall be submitted to the Court under seal and with a copy of this Protective Order so as not to become a part of any public record. **Filing protected documents.** "Protected" documents are to be sealed in a 9" x 12" envelope. The envelope shall have the following information printed on its face: (1) the name of the court, (2) the title of the case, (3) the case number,

(4) the name of the document, (5) the attorney's name, address and the party he or she represents and (6) the following language: "Confidential material pursuant to protective order." A copy of the protective order shall also be attached to the outside of the envelope.

4. All the persons to whom this confidential information and/or documents are disclosed are hereby enjoined from using the same except in connection with this litigation (under such safeguards as the court may require) and from disclosing the same to any other person except as provided herein. A breach of the provisions of this order shall be subject to appropriate sanctions, in the discretion of the court, as authorized by any statute, rule or the inherent power of the court, or as otherwise provided by law.

5. The provisions of this Order shall survive and remain in full force and effect after the entry of final judgment (including any appellate proceedings) in this case, whether by settlement or litigation unless otherwise ordered by this Court.

6. The production of documents subject to this protective order does not constitute an admission or agreement that any document or information is admissible as evidence in this case.

7. Any and all materials supplied by the defendants under the terms of this Order shall be returned to counsel for defendants within five (5) business days of the conclusion of this litigation. Counsel for Defendants shall submit a written request concerning the return of said material to counsel for Plaintiff.

8. Notwithstanding the above, last known addresses and social security numbers of any employee of the City of Lincoln Park shall not be furnished to the Plaintiffs.

9. **Procedure upon termination of this action.** 60 days after the termination of this action by order or judgment, or by an appellate mandate if appealed, the material

submitted under seal pursuant to this protective order will be unsealed and placed in the public case file, unless counsel present a proposed order directing the Clerk's Office to return them to the parties responsible for their submission. An order for the return of protected documents to the parties or attorneys who submitted them shall require counsel to maintain one archival copy of depositions, exhibits, transcripts, court exhibits and transcripts, and documents and information included in submissions to the court.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 10, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 10, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

I hereby stipulate to entry of the above order
which is approved as to form:

s/with consent of Marcel S. Benavides
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